

**AN ADDRESS BY THE HONOURABLE PETER UNDERWOOD AC,  
GOVERNOR OF TASMANIA, AT THE GALA DINNER FOR THE  
2014 REGIONAL CONFERENCE OF THE INSTITUTION OF  
SURVEYORS VICTORIA, HELD AT LAUNCESTON,**

**SATURDAY 1<sup>ST</sup> MARCH 2014**

It is a great pleasure for me to be here with you all this evening and, as Governor of Tasmania, to warmly welcome all the visitors to the island state for this conference aptly named – at least in part – “Bridging the Strait – Enhancing the Gap.” You certainly have bridged the Strait and it’s good to see you holding your conference in Launceston. For those of you who have not been to Tasmania before I hope that you will be able to find a little time to look round the island while you are here because it looks particularly beautiful at this time of the year.

Now, I have to tell you that being Governor is a really interesting job because every day you get to learn something new and meet new people and I confess to you that, until tonight’s invitation arrived, I had never heard of the Institution of Surveyors Victoria, so I set about finding out more about you and, in the course of doing so, discovered that there are about 431 practising surveyors in Victoria. I was aware of the surveying profession as my father was an architect and my brother is an architect, recently retired from his practice in country Victoria. I well recall one of my brother’s colleagues telling me of a meeting that he once had with a surveyor. It appears that this architect had a passion for hot air ballooning and he told me that one fine, still morning he was floating high up in the air near Canberra, when clouds closed in and he lost his way. So he lowered his balloon until he was just below the

cloud cover and, as he did so, he saw a man walking across a paddock beneath him. So he leaned over the edge of his basket and called out to the man, "Excuse me, but can you tell me where I am?" The man looked up and said, "Yes, you're in a hot air balloon, hovering 30 metres above this paddock."

"You must be a surveyor." shouted the architect.

"Well, actually I am." replied the man. "How did you know?"

"Well," said the architect in the balloon, "everything you have told me is technically correct, but it's of no use to anyone."

The surveyor shouted back, "Actually, you sound just like an architect."

"Well, how on earth did you know that?" replied the balloonist.

"Well," said the surveyor, "you don't know where you are, or where you're going, but you expect me to be able to help. You're in the same position you were in before we met, but now it's my fault."

Of course, as a judge on the Tasmanian Supreme Court for more than 20 years, I sometimes had to listen to expert evidence given by surveyors. Indeed, I notice that at the 2012 Surveying and Spatial Sciences Institute – Land Surveying Commission Conference – there was a session entitled "Expert Witness and Cross Examination Tips" which would, no doubt, have been very useful to those of you who find yourselves having to give expert evidence. You see, these days the trouble with expert evidence and expert witnesses - in all

disciplines, not just the spatial sciences - is that , as each day goes by, the fields of expertise get narrower and narrower and more and more specialised. As both a barrister and then a judge, it seemed to me that expert knowledge is something that expands exponentially and consequently fields of expertise become narrower and narrower and more and more specialised. Although often very detailed, the expert evidence was always tightly focused on the narrow issues raised by the case at hand; each case was quite different, and the trouble for the lawyer and the judge is that they have many cases to deal with and, once the case at hand is over, he or she forgets all that he/she has just learnt and gets on with the next case which, of course, involves another, quite different, but equally narrow field of expertise.

Thus, it has been said of experts that they are people who know a great deal about very little, and who go along learning more and more about less and less until they know practically everything about nothing.

Lawyers, on the other hand, are people who know very little about many things, and who keep learning less and less about more and more until they know practically nothing about everything.

But judges are people who start out knowing everything about everything, but end up knowing nothing about anything, due to their constant association with experts and lawyers.

Now, as I was casting around for a topic to speak to you about this evening and wondering if my 3-hour dissertation on

the Rule of Law and the Independence of the Judiciary might be of interest to you – you will be relieved to know that my wife gently advised me against addressing that topic – I came across last December’s issue of your magazine *Traverse* 292. You may remember it. It has a photograph of a surveyor – or is it a lawyer on the front cover. It has two excellent articles in it, both of which address the same issue, “Is Land Surveying a profession?”. One is the keynote address given at a Conferral Ceremony last November by Ms Bronwyn Weir, a partner in the law firm, Maddocks, and the other is written by Mr Brian Coutts entitled “Surveying: the Profession in Australia.” Ms Weir writes<sup>1</sup>

“In reflecting on the message I would like to give tonight, I quickly concluded that my obligations as a lawyer have many similarities to the obligations which the newly licensed surveyors will now have for we are both part of a group which likes to call themselves professionals.” She then goes on to say, “Indeed any person who holds an occupational licence is a professional. From Doctors and nurses to building professionals, to real estate agents, accountants and of course land surveyors. Our parliament has decided that we undertake tasks in the community which are of such importance and which, if performed incorrectly carry such risk, that our occupations must be regulated through a statutory licensing regime.”

---

<sup>1</sup> *Traverse* 292 December 2013 at page 15

I have to say, with great respect, I cannot agree with Ms Weir's definition of a profession. The reality is that much of governmental regulation is spawned by the bureaucracy and is never debated in the parliament, and my experience is that a good deal of it could not be said to be motivated by risk avoidance.

In his article,<sup>2</sup> Mr Coutts points to several indicia to determine the essentials of a profession, including higher education in a specific field or fields, ethics, a periodic requirement for the demonstration of continued competence, impartiality, neutrality and autonomy. He adds to that mix what I would call an essential point of distinction between a profession and a trade or business and that is "a profession is carried on in the service of humanity or more particularly for the benefit of the society in which the practitioner resides." Mr Coutts went on to write:

"The principle of service is such that the discipline is carried out impartially, that is, any client asking the same question would expect to get the same answer. A member of a profession is expected to exercise independent judgement based on access to the complex body of knowledge that defines the individual profession and to interpret that body of knowledge in novel contexts so as to solve problems in the interest of the client. The solution should not

---

<sup>2</sup> Ibid at page5.

be influenced by the interests of the practitioner  
.....”

“Furthermore, the level of service will not be related to the level of payment received by the practitioner. Whatever the task the member of a profession is engaged in, the same best efforts will be applied in finding the appropriate solution for the client and for society in general, irrespective of the reward offered.”

The great American Jurist, Dean Roscoe Pound, writing with respect to the legal profession said that:

“the term ‘profession’ refers to a group of men pursuing a learned art as a common calling in the spirit of a public service. No less a public service because it may incidentally be a means of livelihood. Pursuit of the learned art in the spirit of public service is the primary purpose”<sup>3</sup>

For the reasons expressed by Mr Coutts, I respectfully agree with him that Surveying is most definitely a profession.

Surveyors are indispensable to the world we live in. Surveyors’ work is the first step in bringing new developments to life and is the basis of all property titles. Surveyors also frame the work of architecture and engineering. It is integral to sustainable land development. And, without doubt, our

---

<sup>3</sup> <http://birminghambar.org/displaycommon.cfm?an=1&subarticlenbr=68> accessed 19<sup>th</sup> February 2014.

modern society depends on surveying to ensure order in the physical world around us.<sup>4</sup> We can't do without you!

I hope that each of you has found the last two days at the conference stimulating and creative, and that each of you will return to your homes and to your profession refreshed, renewed and reinvigorated.

Thank you.

---

<sup>4</sup> <http://www.sssi.org.au/index/commission/3.html>